

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

IN RE: Duane Messer and Kimberly Messer-Kane

CASE NO: GG09-09563

Date Filed: 8/12/09

Chapter 13

Hon: James D Gregg

Debtor(s)
_____/

**THIRD POST CONFIRMATION
CHAPTER 13 PLAN AMENDMENT**

NOW COMES the above entitled Debtors, Duane Messer and Kimberly Messer-Kane , by and through their Attorney, John W. Raven, and hereby amends their Chapter 13 Plan as follows:

The Debtors' First Pre Confirmation Plan amendment is hereby rescinded. The amendment was to increase Plan payments upon completion of Duane Messer's 401k loan in November 2012. However, Mr. Messer's income has since been decreased. Therefore, effective immediately, the Debtors' Plan payments shall be decreased to \$920.00 per month or \$212.31 weekly. In addition, the Debtors are now divorced and maintaining separate residence. An Amended Schedule I and J is attached in support. The Debtors believe this will allow the case to be complete with in the 60 months.

In all other respects, the original petition and Plan and all amendments to the Plan are incorporated herein by reference.

Dated:

/s/ Kimberly Messer-Kane
Kimberly Messer-Kane Debtor

/s/ Duane Messer
Duane Messer Debtor

Dated:

/s/ John W Raven
John W. Raven P26896
Attorney for Debtors
PO Box 303
Greenville MI 48838
Telephone: 616/754-9151
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E-mail: john@ravenlaw.us

Amended

B6I (Official Form 6I) (12/07)In re Duane Roger Messer & Kimberly Sue MesserCase 09-09563

Debtor

(if known)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status: Separated	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S): son	AGE(S): 10
Employment:	DEBTOR	SPOUSE
Occupation	Supervisor	Clerk
Name of Employer	Delfield	Steeplechase Tool & Die
How long employed	18 years	6 years
Address of Employer	980 S. Isabella Road	9307 M-46
	Mt. Pleasant, MI 48858	Lakeview, MI 48850

INCOME: (Estimate of average or projected monthly income at time case filed)

1. Monthly gross wages, salary, and commissions

(Prorate if not paid monthly.)

DEBTOR	SPOUSE
\$ <u>3,038.53</u>	\$ <u>2,918.41</u>

2. Estimated monthly overtime

\$ <u>0.00</u>	\$ <u>0.00</u>
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3. SUBTOTAL

\$ <u>3,038.53</u>	\$ <u>2,918.41</u>
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4. LESS PAYROLL DEDUCTIONS

- a. Payroll taxes and social security

- b. Insurance

- c. Union Dues

- d. Other (Specify:
- (D)401K loan; 401K payment, United Way (S)401k loan
-)

\$ <u>631.41</u>	\$ <u>443.90</u>
\$ <u>226.28</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>403.73</u>	\$ <u>93.94</u>

5. SUBTOTAL OF PAYROLL DEDUCTIONS

\$ <u>1,261.42</u>	\$ <u>537.84</u>
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- 6.. TOTAL NET MONTHLY TAKE HOME PAY

\$ <u>1,777.11</u>	\$ <u>2,380.57</u>
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7. Regular income from operation of business or profession or farm

(Attach detailed statement)

\$ <u>0.00</u>	\$ <u>0.00</u>
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8. Income from real property

\$ <u>0.00</u>	\$ <u>0.00</u>
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9. Interest and dividends

\$ <u>0.00</u>	\$ <u>0.00</u>
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10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.

\$ <u>0.00</u>	\$ <u>0.00</u>
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11. Social security or other government assistance

(Specify) _____

\$ <u>0.00</u>	\$ <u>0.00</u>
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12. Pension or retirement income

\$ <u>0.00</u>	\$ <u>0.00</u>
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13. Other monthly income

(Specify) _____

\$ <u>0.00</u>	\$ <u>0.00</u>
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\$ <u>0.00</u>	\$ <u>0.00</u>
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14. SUBTOTAL OF LINES 7 THROUGH 13

\$ <u>0.00</u>	\$ <u>0.00</u>
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15. AVERAGE MONTHLY INCOME (Add amounts shown on Lines 6 and 14)

\$ <u>1,777.11</u>	\$ <u>2,380.57</u>
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16. COMBINED AVERAGE MONTHLY INCOME (Combine column totals from line 15)

\$ <u>4,157.68</u>	
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(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

None

In re Duane Roger Messer & Kimberly Sue Messer

Debtor

Case No. 09-09563

(if known)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made biweekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☒ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home) \$ 400.00
 a. Are real estate taxes included? Yes _____ No ✓
 b. Is property insurance included? Yes _____ No ✓
2. Utilities: a. Electricity and heating fuel \$ 140.00
 b. Water and sewer \$ 0.00
 c. Telephone \$ 50.00
 d. Other Cable TV \$ 75.00
3. Home maintenance (repairs and upkeep) \$ 0.00
4. Food \$ 250.00
5. Clothing \$ 25.00
6. Laundry and dry cleaning \$ 25.00
7. Medical and dental expenses \$ 75.00
8. Transportation (not including car payments) \$ 275.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc. \$ 0.00
10. Charitable contributions \$ 0.00
11. Insurance (not deducted from wages or included in home mortgage payments)
 a. Homeowner's or renter's \$ 55.00
 b. Life \$ 10.00
 c. Health \$ 0.00
 d. Auto \$ 100.00
 e. Other _____ \$ 0.00
12. Taxes (not deducted from wages or included in home mortgage payments)
 (Specify) property tax \$ 100.00
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)
 a. Auto \$ 235.00
 b. Other _____ \$ 0.00
 c. Other 1/2 braces \$ 50.00
14. Alimony, maintenance, and support paid to others \$ 0.00
15. Payments for support of additional dependents not living at your home \$ 0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement) \$ 0.00
17. Other _____ \$ 0.00
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data) \$ 1,865.00
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:
None
20. STATEMENT OF MONTHLY NET INCOME
- a. Average monthly income from Line 15 of Schedule I (Includes spouse income of \$2,380.57. See Schedule I) \$ 4,157.68
- b. Average monthly expenses from Line 18 above (Includes spouse's separate expenditures of \$1,372.68. See pg 2) \$ 3,237.68
- c. Monthly net income (a. minus b.) (Net includes Debtor/Spouse combined Amounts) \$ 920.00

In re Duane Roger Messer & Kimberly Sue MesserCase No. 09-09563

Debtor

(if known)

SPOUSE SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made biweekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☒ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home) \$ 0.00
 - a. Are real estate taxes included? Yes ☒ No ☐
 - b. Is property insurance included? Yes ☒ No ☐
2. Utilities: a. Electricity and heating fuel \$ 140.00
 - b. Water and sewer \$ 0.00
 - c. Telephone \$ 50.00
 - d. Other cable & internet \$ 85.00
3. Home maintenance (repairs and upkeep) \$ 25.00
4. Food \$ 300.00
5. Clothing \$ 25.00
6. Laundry and dry cleaning \$ 0.00
7. Medical and dental expenses \$ 75.00
8. Transportation (not including car payments) \$ 275.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc. \$ 0.00
10. Charitable contributions \$ 0.00
11. Insurance (not deducted from wages or included in home mortgage payments)
 - a. Homeowner's or renter's \$ 0.00
 - b. Life \$ 0.00
 - c. Health \$ 0.00
 - d. Auto \$ 100.00
 - e. Other \$ 0.00
12. Taxes (not deducted from wages or included in home mortgage payments)
(Specify) \$ 0.00
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)
 - a. Auto \$ 176.12
 - b. Other \$ 0.00
 - c. Other 1/2 braces \$ 50.00
14. Alimony, maintenance, and support paid to others \$ 0.00
15. Payments for support of additional dependents not living at your home \$ 0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement) \$ 0.00
17. Other child care \$ 71.56
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data) \$ 1,372.68
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:
None

20. STATEMENT OF MONTHLY NET INCOME

- | | | |
|--|---------------------------------------|---------------------|
| a. Average monthly income from Line 15 of Schedule I | (For totals, see Debtor's Schedule J) | \$ <u>see pg. 1</u> |
| b. Average monthly expenses from Line 18 above | (For totals, see Debtor's Schedule J) | \$ <u>see pg. 1</u> |
| c. Monthly net income (a. minus b.) | (For totals, see Debtor's Schedule J) | \$ <u>see pg. 1</u> |